One who directs another to commit a tort is liable in equity for an accounting of the profits he received therefrom, even though the tort-feasor may also be liable. So one who directs another to commit an infringement of a patent is liable in equity to account for the profits he actually received. Walker, Patents (5th ed.) §§ 404, 406, 572; *cf. Prest-o-lite Co.* v. *Acetylene Welding Co.* (D. C. 1919) 259 Fed. 940. If one organizes a corporation to engage in the manufacture of an article infringing a patent and directs the acts of infringement, he cannot escape liability by pleading that it was a corporation which committed the acts of infringement. Walker, *op. cit.*, § 410; see *Cahoone Barnet Mfg. Co.* v. *Rubber & Celluloid Harness Co.* (C. C. 1891) 45 Fed. 582, 584; *Peters* v. *Union Biscuit Co.* (C. C. 1903) 120 Fed. 679, 686. However, it has been said that a court of equity will not permit a director to be joined where the corporation seems solvent; *Greene* v. *Buckley* (C. C. 1902) 120 Fed. 955; *Bowers* v. *Atlantic G. & P. Co.* (C. C. 1900) 104 Fed. 887; *Boston Woven Hose Co.* v. *Star Rubber Co.* (C. C. 1889) 40 Fed. 167; but where the remedy against the corporation would be inadequate, a court of equity will join him; Walker, *op. cit.*, §§ 410, 572; *cf. Glucose Sugar Refining Co.* v. *St. Louis S. & P. Co.* (C. C. 1905) 135 Fed. 540; and where he is using the corporation as a mere instrument for the violation of the vested rights of another, acquiring gains thereby, a court of equity will hold him without joining the corporation. Walker, *op. cit.*, § 410; *Calculagraph Co.* v. *Wilson* (C. C. 1904) 132 Fed. 20, 29. The holding in the instant case that he was liable for the profits he actually received is accordingly sound. By statute a patentee may in addition get damages for an infringement. 29 Stat. 694, U. S. Comp. Stat. (1916) § 9467.

RAILROADS—JURISDICTION—EFFECT OF FEDERAL CONTROL ACT.—The plaintiff brought an action against the Director General of Railroads, on a cause of action arising during the federal operation of the Rutland Railroad, an organization entirely outside the federal district of New Hampshire, in which the plaintiff as a resident brought this suit. Summons was served on the agent of the Boston and Maine Railroad within the district of New Hampshire, the plaintiff contending that federal control so far consolidated the various roads, that the agent of a formerly independent railroad could now be regarded as agent of the entire consolidated system. *Held,* such services was invalid. *Seaver* v. *Hines, Director General of Railroads* (D. C., N. H., 1919) 261 Fed. 239.

The liability for any act arising out of federal control is the liability of the United States Government and not of the individual road; *Haubert* v. *Baltimore & Ohio R. R.* (D. C. 1919) 259 Fed. 361; see *Smith* v. *Babcock & Wilson Co.* (D. C. 1919) 260 Fed. 679; and the act if interpreted to 680; continue the liability of the railroad would appear to be unconstitutional. *Schumacher* v. *Pennsylvania R. R.* (1919) 106 Misc. 564, 175 N. Y. Supp. 84; see 19 Columbia Law Rev. 333, 501. Order No. 50 of the Director General of Railroads dated October 28, 1918, directing that all actions be brought against the Director General is in accord with such a view. *Mardis* v. *Hines* (D. C. 1919) 258 Fed. 945. This does not, however, merge the railroads into a single system destroying their separate identity for procedural purposes. The citizenship of the railroad company and not that of the Director General determines jurisdiction. *Smith* v. *Babcock & Wilson*

Co., *supra*. The Director General represents the interests of the United States. Were the action against the Director General as a truestee or receiver, there would be no action except in the district where the individual is served. *First Nat'l Bank of Canton* v. *Williams, Comptroller of the Currency* (D. C. 1919) 260 Fed. 674; *Smith* v. *Babcock & Wilson Co., supra*. This being regarded as a suit against the United States, *cf. McLeod* v. *New England Tel. & Tel. Co.* (1919) 39 Sup. Ct. 511, the right to sue is only conferred by the Federal Control Act, § 10, 40 Stat. 451, 456, U. S. Comp. Stat. (1918) § 3115. See *Haubert* v. *Baltimore & Ohio R. R., supra,* at p. 363. Section 10 provides that actions at law against carriers shall be brought in the same manner as heretofore, subject to regulation by the President, which provisions are within the power of Congress. *Wainright* v. *Pennsylvania R. R.* (D. C. 1918) 253 Fed. 459. Order No. 50 is a proper exercise by the executive of the powers conferred by the Act. *Rutherford* v. *Union Pacific R. R.* (D. C. 1919) 254 Fed. 880. This expressly provided for service of process upon the officials operating the individual railroad, in respect of which the cause of action arises, in the same way as service was heretofore made. The two railroads, being separate and distinct prior to the Act, the instant case is manifestly sound.

RULE AGAINST PERPETUITIES—RESTRAINT ON ALIENATION—VALIDITY.—The plaintiff sought to eject the defendant, a negro, from land which he, the plaintiff, had granted in 1910 to the defendant's predecessor subject to a restriction that the land should not be conveyed to persons of African, Chinese or Japanese descent until January 1, 1925. *Held,* the restriction was void under a statute, Cal. Civ. Code, § 711, declaratory of the common law, which provided that conditions restraining alienation when repugnant to the interest created, are void. *Title Guarantee and Trust Co.* v. *Garrott* (Cal. 1919) 183 Pac. 470.

After the Statute of *Quia Emptores* restrictions on the alienation of land were void, whether considered as conditions, limitations or covenants running with the land. See 11 Columbia Law Rev. 365. Since then the rule has been relaxed in some jurisdictions, partial restraints on alienation being permitted. 1 Washburn, Real Property (6th ed.) § 143; see *Munroe* v. *Hall* (1887) 97 N. C. 206, 210. Thus, restraints as to the time during which land may not be alienated have been held valid, where such restraints were reasonable; *Frazier* v. *Combs* (1910) 140 Ky. 77, 130 S. W. 812; *Southard* v. *Southard* (1911) 210 Mass. 347, 95 N. E. 941 (*semble*); as have restraints as to the persons to whom property may be conveyed. *Koehler* v. *Rowland* (1918) 275 Mo. 573, 205 S. W. 217; *Queensboro Land Co.* v. *Cazeaux* (1915) 136 La. 724, 67 So. 641. The weight of authority, however, is against any restraints on alienation, either as to time or as to persons. *Manierre* v. *Welling* (1911) 32 R. I. 104, 78 Atl. 507; *Christmas* v. *Winston* (1910) 152 N. C. 48, 67 S. E. 58; *Hacker* v. *Hacker* (1912) 75 Misc. 380, 133 N. Y. Supp. 266; see *Collins* v. *Foley* (1884) 63 Md. 158, 164. In the instant case the restrictions were partial as to persons; and that restraint was also limited in time. Although, for this reason, the restrictions might be held reasonable, yet, it would seem that, according to the weight of authority, they would be invalid. Such covenants might also be considered to violate the 14th Amendment and our treaty obligations to China and Japan, in so far as rights of their nationals are concerned. *Gandolfo* v. *Hartman* (C. C. 1892) 49 Fed. 181.